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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,446	10/15/2003	Gunner D. Danneels	P17634	6854
59796	7590	.07/10/2007	EXAMINER	
INTEL CORPORATION			KIM, WESLEY LEO	
c/o INTELLEVATE, LLC			ART UNIT	PAPER NUMBER
P.O. BOX 52050			2617	
MINNEAPOLIS, MN 55402				

MAIL DATE	DELIVERY MODE
07/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,446	DANNEELS, GUNNER D.	
	Examiner	Art Unit	
	Wesley L. Kim	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 April 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-13 and 23-27 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13 and 23-27 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/27/07 has been entered.

Response to Amendment

This Office Action is in response to Amendment filed 4/27/07.

- Claims 1, 9, and 23 are currently amended.
- Claims 14-22 and 28-30 are cancelled.
- Claims 1-13 and 23-27 are pending in the current Office Action.

Response to Arguments

Applicant's arguments with respect to claims 1-13 and 23-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 9 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 9 is found to be unpatentable under 35 USC 101 as being nonstatutory. While the preamble recites "A machine-readable medium having stored thereon data representing instructions which, when executed by a wireless wide area network (WWAN) signal handling logic included within a WWAN module, cause...", the claimed instructions and machine-readable medium do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permits the computer programs functionality to be realized. In contrast, "A computer-readable medium having encoded therein computer program instructions that cause a computer to execute..." is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer programs functionality to be realized, and is thus statutory. See Lowry, 32F.3d at 1583-84, 32 USPQ2d at 1035. Accordingly it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 6-9, and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Heiman et al (U.S. Patent 6002918).

Regarding Claims 1, 9, and 23, Heiman teaches receiving a wireless wide area network (WWAN) signal (Col.13;1-5, packets are transmitted via signals); filtering, at a WWAN signal handling logic included within a WWAN module (Col.13;1-5, only qualified packets wake the terminal so there is a signal handling logic within the terminal (i.e. module)); information included in the WWAN signal (Col.13;1-5, signals include packets); determining if an action is to be performed by a processor (Col.13;1-5, if the packet is qualified awaking the processor); and when the action is to be performed by the processor, and the processor is in a low power mode, determining from a filter policy if the information warrants the waking of the processor (Col.13;1-5, a filter policy is in place to minimize wakeup events and only qualified packets will wakeup the terminal, i.e. processor).

Regarding Claim 6, Heiman teaches the WWAN signal is received by a normally- on WWAN module (Col.13;1-5, the processor is asleep, however the terminal, i.e. module, is normally on).

Regarding Claims 7, 8, and 24-26, Heiman further teaches that the normally-on WWAN module receives power from a dedicated battery (Fig.2B; 82) used by the processor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-5, 10-13, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heiman et al (U.S. Patent 6002918) in view of Zmudzinski et al (U.S. Pub 2004/0128310 A1).

Regarding Claims 2, 4, 10, 12, and 27, Heiman teaches all the limitations as recited in claims 1, 9, and 23, however Heiman **is silent on** determining if the action can be delayed; and if the action cannot be delayed, awakening the processor.

Heiman does teach of a buffer (Col.13;3-8), which indicates that the WWAN module has the ability to hold information.

Zmudzinski teaches that it is known that traffic (i.e. SMS or IM) can be held for a sleeping device until a determined time period (Par.17).

To one of ordinary skill in the art, it would have been obvious to modify Heiman with Zmudzinski, such that determining if the action can be delayed; and if the action cannot be delayed, awakening the processor, to provide a method where the traffic can be held until a later time in order to save battery life and to allow the sleeping device to wake up first (Par.16 and Par.17).

Regarding Claims 3 and 11, Heiman and Zmudzinski teach all the limitations as recited in claims 2 and 10, and Heiman further teaches awakening the processor includes transitioning the processor from the low power mode to a normal power mode (Col.13;1-8).

Regarding Claims 5 and 13, Heiman and Zmudzinski teach all the limitations as recited in claims 4 and 12, and including the WWAN signal includes SMS messages (Zmudzinski, par.22 and 17) and that the WWAN includes queuing the

SMS messages (Heiman, Col.13;1-8, teaches of buffer, it would have been obvious to one of ordinary skill in the art to understand that while Zmudzinski teaches that the traffic is held at a network device, this network device could be the WWAN module of Heiman because the WWAN model of Heiman has a memory and is part of a network) and wherein the SMS messages are first stored in a SMC and then forwarded to the WWAN module, this would have been obvious to one or ordinary skill in the art at the time the invention was made because as taught by Zmudzinski, the traffic may be held at a network device (Par.17).

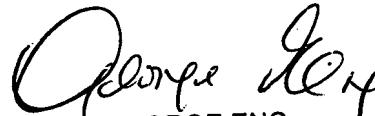
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley L. Kim whose telephone number is 571-272-7867. The examiner can normally be reached on Monday-Friday 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLK



GEORGE ENG
SUPERVISORY PATENT EXAMINER